

VIA ECF

November 27, 2020

The Honorable Alison J. Nathan
 United States District Court for the Southern District of New York
 Thurgood Marshall United States Courthouse
 40 Foley Square
 New York, NY 10007

Re: *E.G., individually and as parent and natural guardian of A.I. and L.I., minor children, et. al. v. City of New York, et al.*, No. 20-cv-9879 (AJN)

Dear Judge Nathan:

The undersigned counsel for the parties in the above-captioned action submit this joint letter as directed by the Court's Order, dated November 25, 2020 (Dkt. No. 17), directing the parties to meet and confer concerning an agreed upon interim solution and, in the absence of such agreement, to submit a proposed schedule (or schedules) on Plaintiffs' Motion for a Preliminary Injunction (Dkt. Nos. 6, 14, the "PI Motion"). The parties met and conferred earlier today and jointly affirm that the meet-and-confer was conducted in good faith. The parties were unable to reach agreement on an interim solution or on a proposed schedule for the PI Motion. Accordingly, the parties set forth below their respective scheduling proposals:

| <u>Event</u> | <u>Plaintiffs' Proposal</u> | <u>Defendants' Proposal</u> |
|------------------------|-----------------------------|-----------------------------|
| Defendants' Opposition | Dec. 2, 2020 | Dec. 9, 2020 |
| Plaintiffs' Reply | Dec. 4, 2020 | Defendants take no position |
| Oral Argument | Dec. 7, 2020 | Defendants take no position |

Defendants state that they are committed to providing internet access to students residing in shelters and have commenced WiFi installation at shelters in conjunction with the ongoing deployment of significant resources by the New York City Department of Education to identify and address remote access issues facing those students. While the parties are not able to reach an agreement at this time, Defendants believe it would be constructive to build additional time into the schedule in order to allow Defendants to collect and share additional information with Plaintiffs in an effort to attempt to reach an agreement.

Plaintiffs state that Defendant's efforts, while appreciated, are insufficient to match the scale of the problem. Plaintiffs note in this regard that Defendants reportedly have commenced WiFi installation at only a small proportion of shelters (approximately 20 out of a total of 240 sites identified in Defendants' prior correspondence as requiring attention). Therefore, Plaintiffs continue to believe that urgent judicial intervention is needed. Plaintiffs welcome consensual efforts to share information and attempt to reach an agreement on a solution, but submit that such efforts need not and should not delay the judicial proceedings.

The parties are available at the Court's convenience to address any questions regarding the issues addressed in this joint letter.

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Respectfully submitted,

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